



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
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September 26, 2006

New Mercury Legislation Will Affect Schools

Dear Superintendents and School Business Officials:

The new *Massachusetts Mercury Management Act* prohibits schools from purchasing products that contain mercury for use in classrooms as of October 1, 2006. This provision is part of a larger law signed by Governor Romney on July 31, 2006 (Chapter 190 of the Acts of 2006, amending MGL c. 21H).

The specific provision that applies to schools (Section 6G) states: *"No school in the commonwealth shall purchase for use in a primary or secondary classroom elemental mercury, mercury compounds or mercury-added instructional equipment and materials, except measuring devices and thermometers for which no adequate non-mercury substitute exists that are used in school laboratories. This section shall not apply to the sale of mercury-added lamps or those products whose only mercury-added component is a mercury-added lamp or lamps."*

Attached is a list of mercury-containing products that are commonly found in schools. This list also identifies alternative products that do not contain mercury, where they are available. MassDEP's school resources web page contains guidance that will help ensure that your schools do not purchase products that contain mercury. Visit <http://www.mass.gov/dep/service/schools.htm>, and click on "*Getting Mercury Out of Schools: Why it's a problem. Where it is. What to do.*" This site also contains information about other environmental programs, including funding that MassDEP offers.

The new mercury law does not require schools to remove products containing mercury from their facilities. However, as long as there are mercury containing products in a school, there is a potential for harmful mercury exposure should a product break. Therefore, we strongly recommend that schools clean out old and unwanted mercury-containing products and equipment to protect your students and staff (and to protect your budget from potentially large cleanup costs). Some funds are still available this fiscal year for schools that have not yet done mercury clean-outs. To find out more on how to take advantage of this funding, please contact Meg Wilcox at NEWMOA (617/367-8558 or mwilcox@newmoa.org). If your school is located in a community that has a long-term contract for trash disposal with an incinerator, please ask that facility for assistance with cleanout services.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

MassDEP on the World Wide Web: <http://www.mass.gov/dep>

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Mercury is only one of several chemicals that can affect environmental health and safety in schools. We encourage you to go beyond the mercury purchasing ban to switch to “green” cleaning products. These products offer safe, non-toxic alternatives to standard cleaning products such as general-purpose cleaners, disinfectants, soaps, and floor care products. For more information, visit <http://www.mass.gov/dep/service/schools.htm>, including *Massachusetts Statewide Contracts For Healthier Schools – How to Use Massachusetts Contracts for Pollution Prevention in Schools*.

Should you have any questions about the requirements of the new Mercury in Products law please contact Tina Klein at MassDEP (617-292-5704, or tina.klein@state.ma.us). We look forward to working with you to implement this landmark legislation and to realize the environmental health and safety benefits for our schools, homes and workplaces.

Sincerely,

Arleen O'Donnell,
Acting Commissioner
Department of Environmental Protection

David P. Driscoll,
Commissioner
Department of Education

cc: School Committees
Boards of Health
Massachusetts Association of School Facility Managers
Massachusetts Association of Science Teachers
Massachusetts Science Education Leadership Association